

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TALIAH WHITFIELD,)
v.)
Plaintiff,)
DILLARDS DEPARTMENT STORE, et al.,)
Defendants.)
Case No. 4:13CV1979 SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on defendant Dillard's Inc.'s verified statement of attorney's fees pursuant to this Court's Order of July 28, 2014. In the Order, this Court granted Dillard's motion to compel requiring plaintiff to serve her long overdue Rule 26(a)(1) disclosures. Further, this Court stated it would consider Dillard's request for reasonable attorney's fees and expenses incurred in making the motion to compel and permitted Dillard's counsel to submit verified documentation of the expenses and attorney's fees incurred. Plaintiff was provided with an opportunity to file a written response to be heard on the matter. Dillard's timely filed its verified documentation seeking attorney's fees and costs in the amount of Two Hundred Thirty Seven Dollars (\$237.00). Plaintiff has failed to respond, and the deadline for responding has passed.

Upon granting a motion to compel, Rule 37(a)(5)(A), authorizes the Court to award “reasonable expenses incurred in making the motion, including attorney’s fees.” Fed.R.Civ.P. 37(a)(5)(A); *E.E.O.C. v. McConnell*, 4:12CV1498 JAR, 2013 WL 1867580, at *1 (E.D. Mo. May 3, 2013). “The party seeking litigation fees bears the burden to

provide ‘evidence of the hours worked and the rate claimed.’” *E.E.O.C. v. McConnell*, at *2 (quoting *Saint Louis University v. Meyer*, 4:07CV1733 CEJ, 2009 WL 482664, at *1 (E.D. Mo. Feb. 25, 2009)). The Court finds that Dillard’s has met its burden and will award reasonable attorney’s fees and expenses in the amount of Two Hundred Thirty Seven Dollars (\$237.00).

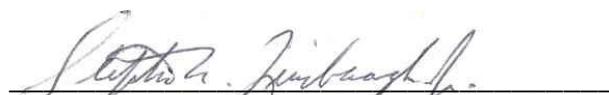
Accordingly,

IT IS HEREBY ORDERED that defendant Dillard’s Inc.’s request for attorney’s fees and expenses in making the motion to compel (ECF #25 and 29) is **GRANTED** and it is awarded attorney’s fees in the amount of Two Hundred Thirty Seven Dollars (\$237.00).

IT IS FURTHER ORDERED that plaintiff shall pay the sum of Two Hundred Thirty Seven Dollars (\$237.00) to defendant Dillard’s Inc. within ten days of the date of this Order. Plaintiff shall make the check payable to Dillard’s Inc. and mail it to attorney David A. Dimmitt of Witzel, Kanzler, Dimmitt & Kanzler, LLC to counsel’s address of record.

IT IS FINALLY ORDERED that plaintiff shall promptly notify the Court that she has complied with this order. Failure to comply may result in sanctions, including dismissal of this action.

Dated this 12th day of August, 2014.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE